

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being canceled.

No claims are currently being amended.

Claims 23 and 24 are currently being added.

This amendment adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-24 are now pending in this application.

Indication of Allowable Subject Matter:

Applicant appreciates the indication of allowable subject matter made in the Office Action with respect to claims 3-8 and 14-19.

Claim Rejections – Prior Art:

In the Office Action, claims 1 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,697,053 to Hanly; claims 2 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanly in view of Japanese patent application # JP 6046033; claims 2 and 13 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanly in view of U.S. Patent No. 5,321,721 to Yanmaura et al.; claims 9 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanly in view of U.S. Patent No. 6,510,147 to Sun et al.; claims 10 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanly in view of U.S. Patent Publication No. 2003/0086478 to Lee et al.; and claims 11 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanly in view of U.S. Patent No. 6,377,782 to Bishop et al. These rejections are traversed for at least the reasons given below.

In its rejection of independent claims 1 and 12, the Office Action asserts that column 7, lines 1-25 of Hanly discloses a spread spectrum communication system comprising means for controlling a transmission bandwidth and a transmission power of counterpart equipment. Applicant respectfully disagrees with this assertion. Namely, Hanly describes a spread spectrum communication system that performs both power control and cell site selection, whereby Hanly does not disclose or suggest controlling transmission band width depending upon communication quality. While column 7, lines 18-25 of Hanly describes a system that uses narrowband channels instead of wideband channels, this is only in reference to a computation of interference (I), whereby Hanly's system for narrowband channels still only controls cell site selection and transmission power. The actual band width of those narrowband channels in Hanly's system is not changed depending upon a communication quality.

Accordingly, since none of the other cited art of record teaches or suggests the control of transmission band width feature that is missing in Hanly, presently pending claims 1, 2, 9-13, 20, 21 and 22 are patentable over the cited art of record.

New Claims:

New claims 23 and 24 have been added to recite a "preference" feature that is not disclosed, taught or suggested by the cited art of record, when taken as a whole.

Conclusion:

Accordingly, since all of the objections and rejections raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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